



Agenda Item No. 4.1.a
For Agenda of Aug. 28, 2007

TIGARD CITY COUNCIL MEETING
Meeting Minutes
JUNE 12, 2007

Mayor Dirksen called the meeting to order at 6:31 p.m.

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session to discuss real property transaction negotiations, under ORS 192.660(2) (e); exempt public records, under ORS 192.660(2) (f); labor negotiations, under ORS 192.660(2) (d); and consultation with counsel regarding current litigation or litigation likely to be filed, under ORS 192.660 (h).

Executive Session concluded at 7:33 p.m.

1. **BUSINESS MEETING**

1.1 Mayor Dirksen called the Tigard City Council & Local Contract Review Board.

1.2 Roll Call:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor Buehner	✓	
Councilor Sherwood	✓	
Councilor Wilson	✓	
Councilor Woodruff	✓	

1.3 Pledge of Allegiance

1.4 and 1.5 Council Communications, Liaison Reports and Call for Non-Agenda

Discussion/Comments

Councilor Sherwood advised she and Councilor Wilson will give a short update on an item at the end of the City Council meeting; during non-agenda.

Mayor Dirksen reported he would provide a brief update on an action the Washington County Coordinating Committee took this last week during non-agenda.

Councilor Woodruff noted that Mayor Dirksen represented the City of Tigard in the Rose Parade along with other Oregon Mayors. Mayor Dirksen said that Portland Mayor Potter invited Mayors from all over the State of Oregon to walk in the parade; there were 73 mayors. Councilor Sherwood congratulated Mayor Dirksen who is now a Royal Rosarian.

City Manager Prosser advised there was an additional non-agenda item for the Council's consideration regarding real property.

Action or Follow-Up Required

See Agenda Item No. 16 – Non-Agenda

2. CITIZEN COMMUNICATION

Discussion/Comments

- No one signed the sign-in sheet.
- Follow-up on Previous Citizen Communication: City Manager Prosser reported at the last meeting Council received a communication from a citizen who was interested in seeing if there were opportunities to change the amount of time that citizens have to review development applications. City officials will need to contact our legislative representation about this since the timelines are set by State law because of the 120-day rule. Another citizen suggested the City could send out notice of applications that are substantially complete. There is concern, however, that once the application is finally completed that this would require a second notice. For this reason, this is something that needs to be dealt with at the legislative level.
- Follow-Up – May 29, 2007 Fifth Tuesday meeting.

City Manager Prosser reviewed follow-up from the May 29, 2007 Fifth Tuesday meeting. There was discussion about the Burnham and Ash Streets traffic roundabout. The direction from the City Council at this time is to not proceed with the installation of the roundabout. There were concerns noted about the need for better communication with downtown business owners on this and other projects.

City Manager Prosser noted another item discussed at the Fifth Tuesday included concerns about street light outages. He has been in contact with PGE which has responsibility for street light maintenance. One street light noted by the citizens at the Fifth Tuesday had been out for quite some time because of "contractor error" on a construction project and it took longer than usual to get the light working again.

Action or Follow-Up Required

- Follow-up with state legislators regarding the 120-day rule and how this impacts time for citizen review.
- Roundabout on Burnham Street will not proceed at this time.
- Staff shall develop better communication and outreach with downtown business owners.
- Staff will continue to monitor reports of street lights not working in the downtown area.

3. CONSENT AGENDA:

- 3.1 Approve Council Minutes for April 10 and April 17, 2007
- 3.2 Receive and File:
 - 3.2. a Council Calendar
 - 3.2. b Tentative Agenda
- 3.3 Adopt Revisions to City Wide Personnel Policies
RESOLUTION NO. 07-31 - ADOPTING REVISIONS TO THE CITY WIDE PERSONNEL POLICIES
- 3.4 Adopt FY 07-08 Downtown Implementation Strategy
- 3.5 Approve Amendment No. 1 to Intergovernmental Agreement for TriMet Transit Police Services
- 3.6 Approve Amendment No. 1 to City Manager Employment Agreement to provide for Paid Time Off as allowed by City Management, Supervisory, and Confidential Employee Personnel Policies.
- 3.7 Local Contract Review Board –
 - a. Award Contract for the Construction of Bull Mountain Road Right-Turn Lane Widening to D & D Concrete

Discussion/Comments

Mayor Dirksen reviewed the consent agenda.

Action or Follow Up Required

Motion by Councilor Wilson, seconded by Councilor Buehner, to approved the Consent Agenda.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

4. AUTHORIZE THE TRANSFER OF \$670,000 FROM THE PARKS CAPITAL FUND TO THE WATER CAPITAL IMPROVEMENT PROJECT FUND TO CONVERT THE CLUTE PROPERTY FROM A WATER ASSET TO A PARK ASSET

- a. Staff report was presented by Public Works Director Koellermeier. A copy of the staff report is on file in the City Recorder's office. The use of this parcel for transfer to the City for use as a potential park site has been long discussed by the Park and Recreation Advisory Board as well as the City Council. Authorization of the transfer by the City Council will bring this to fruition. This is a unique step because the Clute parcel was originally purchased as a water asset; therefore, the City is not the owner of such a parcel. We are a member of a consortium, the Intergovernmental Water Board (IWB). The City is the managing partner of IWB. The IWB reviewed and concurred with the decision to declare this property surplus and provide it to the City of Tigard for a park. The issue of the IWB was valuation and a new appraisal was requested to determine the worth of the asset. The asset is now worth \$700,000 with an outstanding issue – the home on the property has asbestos that needs to be removed. Ultimately, the home itself will need to be removed. From quotes received it is estimated the home represents about a \$30,000 liability, resulting in the final value of \$670,000.

Public Works Director Koellermeier advised that an alternate resolution had been prepared to allow that this transaction to occur over the next five years. Public Works Director Koellermeier reviewed the terms specified in the proposed alternate resolution.

b. Council Discussion

Councilor Woodruff noted, and Public Works Director Koellermeier confirmed, that one of the concerns was to make sure that the selling price would not go up; therefore, by purchasing this property now the price is locked in with the alternate resolution allowing the option of not spending all of the money at once. This will mean money will be available over the next few years, if needed, to purchase other properties.

Mayor Dirksen said he thought this was a good option as the City moves forward in this fiscal year with finite funds in looking for properties to purchase. The City is in negotiations for several pieces of land.

In response to a question from Councilor Wilson regarding whether the home would be demolished immediately, Public Works Director Koellermeier said the City will move fairly quickly in abating the nuisance. Once this part of the deal has been concluded, staff will deal with the abatement this summer. Mayor Dirksen said the house would be demolished forthwith because of the concerns regarding the presence of hazardous material. Public Works Director Koellermeier said a specialist will be brought in to remove the hazardous material. What is left of the shell will likely be used in a "learn to burn" exercise for Tualatin Valley Fire and Rescue.

Councilor Sherwood noted, for the benefit of the public, that this property was purchased for the access to the reservoir on Bull Mountain. Now, the City has decided to keep the property (through this purchase) for park property. Mayor Dirksen said this property is located on the north slope of Bull Mountain and is immediately adjacent to other properties that the City owns with the intention to consolidate property for a major park in the area. This piece of property will add to the acreage and provide some immediate access from City streets into the park property. Councilor Wilson added that the property is relatively flat and easily accessible to the neighborhood.

Councilor Woodruff asked for Public Works Director Koellermeier to identify how far west on Bull Mountain is this property when compared to other parks owned by the City has. Public Works Director Koellermeier said the property is immediately north of the parcels that the City just purchased and is adjacent to the other parcels that we own. The City has assembled almost 60 acres of property. Public Works Director Koellermeier confirmed Mayor Dirksen's statement that this park will eventually be about the size of Cook Park, located at the end of SW 154th Avenue.

c. Council Consideration: Resolution No. 07-32

Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Resolution No. 07-32 as revised.

RESOLUTION NO. 07-32 – A RESOLUTION AUTHORIZING THE TRANSFER OF \$670,000 FROM PARKS CAPITAL FUND TO THE WATER CAPITAL IMPROVEMENT PROJECT FUND IN ORDER TO CONVERT THE CLUTE PROPERTY FROM A WATER ASSET TO A PARK ASSET

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

5. LEGISLATIVE PUBLIC HEARING – ENTERTAINMENT ORIENTED USE CODE AMENDMENT (DCA2007-00001) TO ALLOW MAJOR EVENT ENTERTAINMENT IN RESIDENTIAL ZONES ON PUBLIC SCHOOL SITES

REQUEST: A Development Code Amendment to amend the Residential Zoning Districts Chapter (18.510) and Conditional Use Chapter (18.330) of the Tigard Development Code. The proposed amendment would allow Major Event Entertainment (athletic, cultural or entertainment events) as a conditional use on public school sites within residential zones.

LOCATION: Citywide. **ZONE:** All Residential Zones. **APPLICABLE REVIEW**

CRITERIA: Community Development Code Chapters 18.330, 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1, 2 and 6; The Metro Urban Growth Management Plan Titles 1,

8 and 12; Metro Regional Framework Plan Policies 1.14 and 8.3; and Statewide Planning Goals 1, 2, and 10.

- a. Mayor Dirksen opened the public hearing.
- b. City Attorney Ramis reviewed a statement explaining the rules of procedure for hearing participants.
- c. Declarations or challenges:

Councilor Sherwood advised she personally knows the owners of Broadway Rose Theatre and has attended Theatre events.

- d. Staff Report was presented by Assistant Planner Caines. A copy is on file in the City Recorder's office. The purpose of the amendment is to allow major event entertainment uses within residential zones on public school sites. There are currently nine public school sites within Tigard City limits.

Associate Planner Caines said this amendment will allow anything under the major event use classification. Positive outcomes of allowing this amendment would mean that underutilized buildings on school sites could accommodate new uses. Activities would bring cultural experiences closer to the residential neighborhoods, which are their main patrons – possibly within walking distance. Some of the undesirable impacts could mean increased traffic within residential neighborhoods. This use would only be allowed as conditional use and any potential use would require a public hearing before the Tigard Hearings Officer. During that process, the Hearings Officer could place further restrictions on the use; i.e., limitation on hours of operation or the manner of operation.

Further restrictions by this Code amendment include: only allowed in existing buildings that are at least 10,000 square feet. Additions might be permitted of up to 50 percent of the original building square footage. Another change being proposed for the Code is to make sure that the new use meets all of the off-street parking requirements. All of the proposed amendments are in addition to standards already in place, which requires minimum lot size and increased setbacks that are usually 25 feet from the side property line and 30 feet from the front and rear property line.

On May 7, the Planning Commission held a public hearing to discuss the proposed Code amendment. There were two proponents of the amendment and/or Broadway Rose. One other speaker was neutral and asked questions regarding the agreements with schools for use of the facilities. The Planning Commission endorsed the proposed amendment, 8-0.

The options before the City Council are to approve the amendment as endorsed by the Planning Commission; approve with changes; or to deny the proposed amendments.

Councilor Wilson said he assumed this has the effect of legalizing a former use within a school that had taken place over a number years. He referred to informal events and his concern that these could be interpreted as Code violations. Would this mean this process would be required every time informal events occur? Associate Planner Caines said this was a good point in that there might be uses that do not occur on a regular basis. Councilor Wilson said he could see the logic to require a process for a regular use for events where tickets are sold and traffic would impact the neighborhood. He said he was concerned about the less formal one-time community uses.

Councilor Woodruff said that he thinks most people assume that activities are occurring at schools all of the time, often into the evening. This is all right because it is a school-sanctioned function as opposed to an outside group that is using the facility. Councilor Woodruff questioned if the proposed Code amendment makes the differentiation between sponsored school events and other events. In response to a question from Associate Planner Caines, Councilor Wilson clarified that there are school activities and those activities where the line gets blurred. For example, many athletic activities might not be OSAA sponsored. All are extra-curricular. Sometimes there might be paid school staff coaches while other times there might be only volunteers. Councilor Wilson said there is a whole degree of activities that happen and to attempt to draw a line designating when a permit is required might have some undesirable implications. Associate Planner Caines advised that during the comment period an issue was brought forward regarding soccer clubs, which fall under a different use classification (community recreation) and this is different from the major event entertainment use. Councilor Wilson questioned whether it might be better to expand the definition of "school use."

Community Development Director Coffee said the intent for the proposed amendments before the City Council was to take care of a major new activity at an existing school site that entails, typically, construction – major remodeling and creating a theater. This is the intent behind this proposal. This does not address the customary activities of a school or related to the school, that are recreational, or the occasional event such as a recital. City Attorney Ramis said that under the Code, the question would be whether the use is customarily an accessory use to a school use.

- e. Public Testimony: None.
- f. Staff Recommendation: Associate Planner Caines advised staff recommends approval of the amendment as proposed.
- g. Mayor Dirksen closed the public hearing.
- h. Council Consideration: Ordinance No. 07-12

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Ordinance No. 07-12.

ORDINANCE NO. 07-12 – AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE (DCA 2007-00001) CHAPTERS 18.330 CONDITIONAL USE, AND 18.510 RESIDENTIAL ZONING DISTRICTS, SPECIFICALLY TO ALLOW MAJOR EVENT ENTERTAINMENT AS A CONDITIONAL USE ON PUBLIC SCHOOL SITES WITHIN ALL RESIDENTIAL ZONES AND ADD ADDITIONAL DEVELOPMENT STANDARDS FOR THE USE AND DECLARING AN EMERGENCY.

Council discussion on the motion: Councilor Woodruff commented that some people might ask how this action differs from an earlier proposal regarding historical uses. He said he does not think this proposal is the same; this is a different situation using schools rather than private property. While there are similarities, he said he wanted to point out that this is a different situation. There have been no community concerns about this proposal as had been brought forward when the other Code amendment was considered. He said he was in favor of this proposal.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

Councilor Sherwood commented that it is good to see that the Broadway Rose finally has a home in our community.

6. QUASI JUDICIAL PUBLIC HEARING – GOODLETT ANNEXATION (ZCA 2007-00002)

PROPOSAL: The applicant requests approval of annexation of one parcel (1.64 acres) and right-of-way on SW Bull Mountain Road containing a total of 1.74 acres to the City of Tigard. Property owner Goodlett Marshall Building and Development (Mike Goodlett) requests annexation of one parcel, with plans to divide it into 10 lots. One adjacent property was invited to join the annexation, but did not accept the invitation. The sole owner of the subject parcel has consented to the annexation. Note: All right-of-way on the portion of SW Bull Mountain Road adjacent to the subject property is already within City limits. While annexing the right-of-way is not necessary and the applicant has provided a legal description and map that over-describes the proposed annexation area, Washington County has indicated that an over-description is acceptable. **LOCATION:** 12300 SW Bull Mountain Road (South side of SW Bull Mountain Road, adjacent to east side of the Thornwood subdivision, east of SW 125th Avenue); WCTM 2S110BC, Tax Lot 1201. **CURRENT ZONE:** R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District. The average lot area for single family detached dwellings within a proposed development shall be no less than 4,500 square feet and the minimum lot area shall be 4,000 square feet. The minimum lot area for single family attached units shall be 3,500 square feet. **EQUIVALENT CITY ZONE:** R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and

subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. Note: In a subdivision, lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district. **APPLICABLE REVIEW CRITERIA:** ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

- a. Mayor Dirksen opened the public hearing.
- b. City Attorney Ramis advised of the rules of procedure.
- c. Declarations or Challenges
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?

Councilor Buehner advised she is very familiar with the site.
 - Have all members familiarized themselves with the application?

Council members affirmed they had familiarized themselves with the application.
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?

There were no challenges.

- d. Staff report was reviewed by Assistant Planner Eng. A copy is on file in the City Recorder's office. The annexation has one petitioner, Goodlett Marshall Building and Development Company (owner Michael Goodlett). The annexation request is for one parcel of land and right of way to the City of Tigard. The subject parcel is 1.64 acres and right of way is .10 of an acre, totaling 1.74 acres. The right of way is already in the City from previous annexation and the application just happened to include it in the application; this is acceptable. Associate Planner Eng described the location of the territory. The parcel is zoned Washington County R-6 and upon annexation would convert to the City of Tigard's R-7. The proposed territory is contiguous to the City on three sides. ORS Chapter 222 provides for annexation of contiguous territory. Other review criteria are in Metro Code Chapter 3.09, City of Tigard Comprehensive Plan Policies 2 and 10, and Community Development Code Chapter 18.320 and 18.390. Staff notified all affected agencies and interested parties and received no comments or objections to the annexation.

If the application is approved, the applicant plans to apply for a ten-lot subdivision for single-family homes. Staff reviewed the annexation proposal for compliance with the applicable review criteria and found that the proposal meets the criteria.

The proposed territory is within the Urban Growth Boundary. It is contiguous to City limits and urban services are available to serve the territory.

e. Public Testimony

- Proponents:

Applicant

Steve Bloomquist, Harris McMonagle, 12555 SW Hall Boulevard, Tigard, Oregon, advised he was representing the applicant, Michael Goodlett. He said he had reviewed the staff report and they accepted the City and staff findings. They requested that the parcel be annexed into the City of Tigard.

- Opponents

Paul Whitney, 14550 SW 120th Place, Tigard, OR 97224, advised he has lived on Bull Mountain Road since 1980 and recalled how the surrounding property used to be. He said had been an elected official and served on the Tigard Water Board when the new water facility was proposed. He advocated that 1 percent be set aside for art for Tigard beautification; however, this did not go forward. He said he still advocates for beautification of Tigard and Bull Mountain Road. Mr. Whitney said he has testified before the City Council before on the Aspen Ridge development developed by OTAK. He was pleased that OTAK listened to some of the things he had to say and there is a nice fence and maintained plantings in front of the development that adds to the livability of the neighborhood.

Mr. Whitney said he has also signed some petitions asking for similar items for another subdivision, which “fell on deaf ears” and now there are weeds in front of the development. He asked that, if this is annexed, the developer be required to manage the land that is technically owned by the City of Tigard; that is, to come up with a plan for vegetation and implement that plan to help keep Tigard a beautiful, livable place along Bull Mountain Road.

He asked that the City Council look at the traffic situation on Bull Mountain Road. He noted earlier efforts to call attention to traffic concerns were not addressed. He said he consulted a traffic engineer who said he needed to figure out how much time it takes to afford a safe line of sight. Mr. Whitney said about five seconds are available to make the decision whether to turn onto Bull Mountain Road, which he said “is cutting it pretty close.” The traffic engineer advised Mr. Whitney that he should ask for an adequate level of service that meets City Code. The level of service he understands is defined by how long it takes for a person to find an opening “that you jump into” plus those five seconds that you have to look. He measured it on several mornings and it’s about an average of about 40 seconds; this is an “E” level of service and does not meet Code. He acknowledged he was not sure if he was measuring the

timing correctly because he did not know the protocol that must be applied for such a measurement.

Mr. Whitney said when he first moved to this location it was sort of a county “wagon road” where he did not worry too much about entering onto Bull Mountain Road; however, he is now starting to worry. He said he hopes the developer is required to do a good traffic study to determine level of service. The traffic situation on Bull Mountain Road is sort of a “death by a thousand cuts” – each little subdivision being added is cumulatively creating an impact. He said he hopes that this cumulative effect could be reviewed.

Mr. Whitney said he would like to know if the limit has been exceeded in terms of level of service and safe line of sight. How close are we to the limit, he asked.

In summary, Mr. Whitney said he hoped the developer would be required to keep Tigard beautiful: have a good planting plan and implement it; plus how close we are to meeting City Code on traffic. He said if the City’s answer is, “We don’t really care...I’d like to know that, too.”

Mayor Dirksen commented to Mr. Whitney that “...we do care.” Mayor Dirksen advised that most of Mr. Whitney’s concerns need to be reviewed at the time the development application is processed. The City, as a whole, considers the impact of development on roads to determine how large the roads need to be when full development/build out takes place. The City has a Transportation System Plan that was developed to gauge: What do all of the streets and roads in Tigard need to look like when all the properties have been developed. Levels of service are determined and if a road drops below a certain grade level, this could be the grounds for denying a development until that is taken care of. Mayor Dirksen said it was his understanding that Bull Mountain Road still grades “fairly well,” with averages taken for certain times of day.

Councilor Buehner noted that Washington County has jurisdiction over Bull Mountain Road. This limits the City’s ability to make improvements on the road other than through development at this point in time. However, she said she thinks there is probably going to be some discussion about the City taking jurisdiction of that road – at least the part that is in the City.

- Rebuttal/Final argument by applicant

Mr. Steve Bloomquist advised that with regard to traffic, they would not be accessing Bull Mountain; they will be accessing off of Winter View Drive. He said he thought this would be safer for the development and Washington County will be requiring this. Therefore, he said he did not know how a traffic study could be required. These will be development and Code considerations to be addressed when the land use application is submitted to the City. They will address the traffic issue as well as they can; he said he didn’t believe they would be required to do a traffic study because they would not be accessing Bull

Mountain Road directly, but added that they will certainly look at that. With regard to vegetation along Bull Mountain Road, he said they will be dedicating right of way to the County. He said they will likely be putting up fences in the rear yards of the properties and didn't know about how it would be possible to require property owners to maintain the vegetation. He said there will be street trees and planter strips and sidewalks that will match the improvements along the Thornwood development. There will be 37-feet of right of way from the centerline to this site. He said he believes the road will be wider and look nicer; however, he did not believe they would be looking at managing vegetation along Bull Mountain Road.

In response to a question from Councilor Sherwood, Mayor Dirksen confirmed that even though the property is annexing to the City of Tigard, the right of way will be dedicated to the County because Bull Mountain Road is still part of the County. Councilor Sherwood pointed out that right-of-way maintenance is a problem within the City of Tigard. She asked whether CC&R's for a neighborhood require that the area be maintained? Mayor Dirksen noted that City Code requires maintenance once the right of way is dedicated and the development is completed; the property owners adjacent to a right of way are liable for maintenance of the area. Tigard has Code Enforcement that is applied within the constraints of the City's staffing. The Mayor noted that it is very common at this time of year for people to be cited for noxious vegetation. The Council discussed areas that are well kept because of active homeowner associations. In small subdivisions it falls to the individual property owners to take care of the rear of the lots. Mayor Dirksen noted that if this property is developed inside the City, there are regulations that require maintenance along the right of way.

Mr. Bloomquist said it would be up to the individual homeowner to maintain the right of way. Councilor Wilson said there are things the developer could do to make it easier for the property owner to take care of maintenance; i.e., a gate on the fence or irrigation in the right of way, etc.

- f. Staff Recommendation: Assistant Planner Eng advised that staff recommends approval of ZCA 2007-00002 by adoption of the proposed ordinance.

- g. Council questions/discussion:

Councilor Woodruff noted that the current zoning was R-6, which is compatible with R-7 in Tigard. Assistant Planner Eng clarified that the difference between these two designations is that R-7 requires a minimum lot size of 5,000 square feet while the R-6 in Washington County requires a minimum lot size of 4,000 square feet because of how the right-of-way area is calculated. Within the City of Tigard you are able to average lot sizes in a subdivision as long as all of the lots within a subdivision equal 5,000 square feet. In Washington County, lots may be 3,500 square feet. Overall, the lot sizes in Washington County are smaller than the lot sizes in the City of Tigard.

Mayor Dirksen allowed testimony from Tim Pepper, 14550 SW 120th Place, Tigard, Oregon 97224. He referred to Councilor Wilson's comment about things the developer could do to make it easier for property owners to maintain the right of way. He said this is the crux of the problem; the developer does not necessarily have motivation to make it easier. He noted this is the problem with his development – there are weeds along the right of way; however, he and his neighbors are working on establishing the landscaping. He said the City has the opportunity right now to provide this motivation to the developers. Councilor Wilson advised that this is not a development application; rather, it's an application for annexation. Councilor Wilson said his previous comment was simply to point out how the developer has great control over how the properties are built. Tigard has Codes and it only has the authority to enforce the Codes; therefore, the developer does have incentive to listen to neighbors' concerns and to attempt to address them before it gets to the public hearing. Most developers are willing to listen and make some modifications to address the concerns. Mr. Pepper said that only about half of the developers appear to have had the motivation to address the concerns; it appears the most motivation has to do with money. Maintenance of the right of way is not necessarily something a new homeowner thinks about. Mayor Dirksen said it is up to the property owner to keep it nice looking. Mr. Pepper offered that this is something the City could keep in mind since the road might eventually be under the City's jurisdiction.

- h. Mayor Dirksen closed the public hearing.
- i. Council Discussion and Consideration: Ordinance No. 07-13

Motion by Councilor Sherwood, seconded by Councilor Buehner, to adopt Ordinance No. 07-13.

ORDINANCE 07-13 – AN ORDINANCE ANNEXING 1.74 ACRES, APPROVING THE GOODLETT ANNEXATION (ZCA2006-00002) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

Councilor Woodruff said he believes this continues to be consistent with the City's annexation policies of encouraging people to join the City and that this is a voluntary process.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

7. PUBLIC HEARING – CONSIDER A RESOLUTION CERTIFYING THE CITY PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES

- a. Mayor Dirksen opened the public hearing.
- b. Finance Director Seson reviewed the staff report. A copy is on file in the City Recorder's office.
- c. Public Testimony: None.
- d. Staff recommendation was to approve the proposed resolution.
- e. Mayor Dirksen closed the public hearing.
- f. Council Consideration: Resolution No. 07- 33

Motion by Councilor Buehner, seconded by Councilor Woodruff, to adopt Resolution No. 07-33.

RESOLUTION NO. 07-33 – A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARE REVENUES

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

8. PUBLIC HEARING - CONSIDER A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES

- a. Mayor Dirksen opened the public hearing.
- b. Finance Director Sesnon reviewed the staff report. A copy is on file in the City Recorder's office.
- c. Public Testimony: None.
- d. Staff recommendation was to approve the proposed resolution.
- e. Mayor Dirksen closed the public hearing.

- f. Council Consideration: Resolution No. 07-34

Motion by Councilor Woodruff, seconded by Councilor Wilson, to adopt Resolution No. 07-34.

RESOLUTION NO. 07-34 – A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

9. PUBLIC HEARING - ADOPT COMMUNITY INVESTMENT PLAN FOR 2007-2012

- a. Mayor Dirksen opened the public hearing
- b. Community Development Director Coffee presented the staff report. A copy is on file in the City Recorder's office.

The 2007-12 Community Investment Plan (CIP) was an effort for the first time to draw all of the City's capital projects together in five-year plan. The main emphasis before the City Council is the first year of the plan, which is part of the budget process under consideration by the Council. Community Development Director Coffee noted that, as a first-year effort, they attempted to catalog everything. Next year the Plan will cover the five-year period 2008-13 with a year being added so the City Council will always have a five-year picture of the plans for capital investment. The Budget Committee reviewed the Community Investment Plan on May 12 and recommended that the City Council adopt it. There was discussion of limited funding available for street projects – the staff report has an amended street project list that is recommended for adoption tonight along with CIP.

Mayor Dirksen complimented staff on the process and the resulting five-year CIP. This process has been the smoothest he has seen for a CIP to move through with a greater opportunity for input in a format that is easier to understand. Community Development Director Coffee said a lot of the credit for the CIP goes to the City's department heads, City Engineer Duenas, Public Works Director Koellermeier, Community Development Management Analyst Collins, and Finance Management Analyst Wareing. In response to a question from Councilor Woodruff, Community Development Director Coffee advised that the CIP is available for public review on the web site.

Councilor Sherwood noted that she, in response to concerns expressed at a recent Fifth Tuesday meeting, accessed the City's web site and was able to locate information

on the CIP and the downtown improvement plan fairly easily. Community Development Director Coffee advised the CIP would be also be available for viewing in the Library and City Hall. He encouraged people to call staff if they are having any difficulty navigating the City's web site. Councilor Woodruff asked if someone could do a search to find projects at specific locations. Community Development Director Coffee said he would work with IT staff. City Manager Prosser advised the website does have a search function for the entire site. However, if there is a way to make it easier to find information, the staff will do it. Councilor Buehner noted she has been able to find this information on the web site.

- c. Public Testimony: None.
- d. Staff Recommendation: Finance Director Sesnon recommended the City Council approve the CIP for the Fiscal Year 2007/8 as presented.
- e. Mayor Dirksen closed the public hearing.
- f. Council Consideration:

Motion by Councilor Sherwood, seconded by Councilor Buehner, to adopt the Community Investment Plan for 2007-2012 with the Amended Street CIP for 2007-08 as recommended by the Budget Committee.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

10. CONSIDER A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE, WHICH REPLACES RESOLUTION NO. 06-36 AND ALL SUBSEQUENT AMENDMENTS TO DATE

- a. Finance Director Sesnon presented the staff report. A copy is on file in the City Recorder's office.
- b. Council Consideration: Resolution No. 07-35

Motion Councilor Buehner, seconded by Councilor Wilson, to adopt Resolution No. 07-35.

RESOLUTION NO. 07-35 – A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE WHICH REPLACES RESOLUTION NO. 06-36 AND ALL SUBSEQUENT AMENDMENTS TO DATE

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

11. PUBLIC HEARING - CONSIDER A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060 (2) FOR FISCAL YEAR 2007-2008

- a. Mayor Dirksen opened the public hearing.
- b. Finance Director Sesnon presented the staff report. A copy is on file in the City Recorder's office. In addition, a PowerPoint presentation was reviewed detailing the highlights of this year's budget process. A copy is on file in the City Recorder's office.
- c. Public Testimony: None
- d. Staff Recommendation: Finance Director Sesnon recommended the City Council adopt the 2007-08 budget as presented.
- e. Council Discussion:

Councilor Sherwood commented that she enjoyed the budget sessions this year and noted her appreciation for being able to wrap up the process in three sessions.

Councilor Buehner asked if the percentage of the General Fund allocated to Police and Library fairly stable? Finance Director Sesnon advised the Library went up fairly substantially this year because the levy was approved. Inflation always has its effects. Finance Director Sesnon noted the base percentage of the General Fund for these two areas have remained relative the same.

- f. Mayor Dirksen closed the public hearing.
- g. Council Consideration: Resolution No. 07-36

Councilor Buehner commented on the budget process and as her first year as an official member of the Budget Committee, she was impressed with the good preparation and efficient presentations by all the departments. Motion by Councilor Wilson, seconded by Councilor Woodruff, to adopt Resolution No. 07-36.

RESOLUTION NO. 07-36 – A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS , DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2007-08

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

12. CONSIDER AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TIGARD AND THE CITY CENTER DEVELOPMENT AGENCY TO LOAN FUNDS FOR CAPITAL IMPROVEMENTS

- a. Finance Director Sesnon presented the staff report. A copy is on file in the City Recorder's office. The proposed Intergovernmental Agreement (IGA) would allow the Tigard City Center Development Agency to borrow funds from the City of Tigard to construct catalyst projects in the Urban Renewal District. Tax increment revenues will be used to repay this debt as the Agency is able to do so.
- b. Council Discussion

Councilor Woodruff commented that there is really no other choice but to enter into this IGA; Finance Director Sesnon concurred noting this is how the law is set up for such a transaction.
- c. Council Consideration

Motion by Councilor Sherwood, seconded by Councilor Buehner, to approve the proposed Intergovernmental Agreement.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

Note: Meeting agenda was rearranged. The next items to be reviewed by the City Council were Item Nos. 15 and 16 – Council Liaison Reports and Tigard City Council Non Agenda:

▪ **Get Centered – Port Moody, Canada**

Councilor Sherwood and Councilor Wilson reported on a recent trip they took to Vancouver, British Columbia, which was a “Get Centered” function sponsored by Metro. The purpose was to relate to how more densely developed areas within Town Centers could be managed and developed. Vancouver is about the size of the City of Portland and, while Councilor Sherwood and Councilor Wilson didn’t relate to the development in the downtown area of Vancouver, there were neighborhoods that represented a good model. One of those areas was Port Moody – it had a village feel yet also had several high-rise condominium structures. Councilor Sherwood and Councilor Wilson described the area and the type of development occurring, which might translate well to the City of Tigard’s urban renewal district. Councilor Sherwood and Councilor Wilson proposed that it would be worthwhile to invite members of the City Center Advisory Commission and the development community to tour this area with the City Council. After the discussion, the Mayor and City Council agreed to explore the idea of arranging a trip as proposed by Councilor Sherwood and Councilor Wilson to Port Moody.

▪ **Washington County Coordinating Committee (WCCC)**

Mayor Dirksen reported on recent meetings of the WCCC whereby county-wide transportation issues are under review. Another Major Streets Transportation Improvement Plan (MSTIP) funding proposal is under consideration for county arterials and collectors (selected for funding on a case-by-case basis). Mayor Dirksen reviewed the discussions that have taken place about how to identify and prioritize the roads and set the amount of funding that will be needed. The entire list of projects for the next 25 years is about \$4 billion; with only \$2 billion available. Another workshop is scheduled next month. The MSTIP 4 bond measure is now targeted for the November 2008 ballot.

Councilor Harding was the alternate member to the WCCC; Mayor Dirksen requested that a replacement be selected to replace her. This will be discussed at a future agenda.

▪ **Presentations to the Rotary Club and the Park and Recreation Advisory Board (PRAB)**

Councilor Woodruff reported on a presentation he and Public Works Director Koellermeier made to the Tigard Rotary Club about water issues; i.e., long-term planning and conservation. This is part of the effort to educate residents about water.

On June 11 Councilor Woodruff attended the PRAB meeting. The discussion included the Comprehensive Plan and the recreation pilot project that was not funded by the Budget Committee. PRAB members are adamant that they want to move ahead and make a recommendation to the City Council about putting an operating levy on the November 2008 ballot for a full-scale recreation program.

▪ Real Property Acquisition

City Manager Prosser reported that a couple of weeks ago, staff brought a purchase agreement to the City Council to purchase two lots in Ash Creek Estates. The developer is donating 4.5 acres of natural area to the City and there were two additional lots the City was considering purchasing. The negotiated purchase price for the two lots was the same as the appraised price: \$385,000. City Council noted some concern about the price. In addition Mr. John Frewing also had expressed concern about the price, the steepness of the lots, and how much of the land would be used for park purposes. City Council directed staff to go back and talk to the property owner to negotiate a lesser price. Public Works Director Koellermeier talked to the owner who agreed to lower the price by \$20,000 per lot for a total reduction of \$40,000. The price for these two lots is now \$345,000. Photos of the lots were reviewed by the City Council. There is approximately 7,800 square feet of level area available once some small retaining walls are installed. Staff has put together a rough concept plan showing how a tot lot park and half-court basketball playing area could be constructed along with benches and viewing areas. One of the most important aspects is that this will provide a trail head and easy access to the 4.5 acres of donated open space.

Councilor Woodruff said he appreciated the work by staff for further negotiation with the owner and providing the City Council with more information to assist in making the decision. Mayor Dirksen said he walked the area under consideration for purchase. He acknowledged it was a "rough parcel" and recognized that it might be difficult for someone to envision how it could be utilized. However, the information provided by staff demonstrates how the area can be used. Mayor Dirksen said the parcel being donated is beautiful and represents a good opportunity for the residents to access and appreciate this area. Street parking is available and the property will be accessible by pedestrians.

Motion by Councilor Buehner, seconded by Councilor Sherwood, to direct staff to prepare and execute purchase and sale agreement documents for the designated property on 74th, Lots 28 and 29 of Ash Creek Estates for a purchase price of \$345,000 and that staff should take all steps necessary to effect the sale.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

Mayor Dirksen commented that Public Works Director Koellermeier did a great job in providing additional information and deeper background on this matter while saving the City \$40,000.

Recess City Council Meeting adjourned at 10:00 p.m.

City Center Development Agency (CCDA) Meeting Convened at 10:01 p.m.

- Chair Dirksen called the meeting to order.
 - Roll Call: Chair Dirksen, Directors Buehner, Sherwood, Wilson, and Woodruff
13. CONSIDER AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TIGARD AND THE CITY CENTER DEVELOPMENT AGENCY (CCDA) TO LOAN FUNDS FOR CAPITAL IMPROVEMENTS

a. Finance Director Sesnon presented the staff report. A copy is on file in the City Recorder's office. (City Recorder's note: This is related to Agenda Item No. 12 above.)

b. CCDA Consideration:

Motion by Director Buehner, seconded by Director Woodruff, to approve the proposed intergovernmental agreement between the City of Tigard and the City Center Development Agency to loan funds for capital improvements.

The motion was approved by a unanimous vote of City Center Development Agency members present.

Chair Dirksen	Yes
Director Buehner	Yes
Director Wilson	Yes
Director Sherwood	Yes
Director Woodruff	Yes

14. ADOPT CITY CENTER DEVELOPMENT AGENCY (CCDA) BUDGET

a. Chair Dirksen opened the public hearing.

b. Finance Director Sesnon presented the staff report. A copy is on file in the City Recorder's office. This is the first annual budget of the City Center Development Agency for a total of \$1,185,000 (FY 2007-08).

c. Public Testimony: None

d. Chair Dirksen closed the public hearing.

e. Finance Director Sesnon advised staff recommends that the City Center Development Agency approve the proposed resolution.

f. City Center Development Agency comments:

Director Buehner, for the benefit of the viewing audience, advised that a good discussion about this proposed budget took place during the Budget Committee meetings. Mayor Dirksen added that he was pleased about the amount of funds that were made available for the City Center Development Agency's budget for projects this first year.

g. City Center Development Agency Consideration: CCDA Resolution No. 07-02

Motion by Director Wilson, seconded by Director Sherwood, to adopt CCDA Resolution No. 07-01.

CITY CENTER DEVELOPMENT AGENCY RESOLUTION NO. 07-02 – A RESOLUTION ADOPTING THE FISCAL YEAR 2007-08 BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES

The motion was approved by a unanimous vote of City Center Development Agency members present.

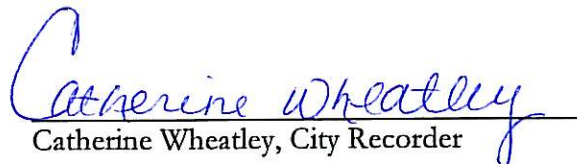
Chair Dirksen	Yes
Director Buehner	Yes
Director Wilson	Yes
Director Sherwood	Yes
Director Woodruff	Yes

> ADJOURNMENT


Motion by Director Sherwood, seconded by Director Woodruff, to adjourn the City Center Development Agency meeting at 10:05 p.m.

The motion was approved by a unanimous vote of the City Center Development Agency members present.

Chair Dirksen	Yes
Director Buehner	Yes
Director Wilson	Yes
Director Sherwood	Yes
Director Woodruff	Yes


Catherine Wheatley, City Recorder

Attest:



Mayor/CCDA Chair, City of Tigard

Date: 8.28.07

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